

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Anthony Shawn Battle

Docket No. 5:00-CR-20-1BO

Petition for Action on Supervised Release

COMES NOW Scott Plaster, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Anthony Shawn Battle, who, upon an earlier plea of guilty to False Statements to Purchase a Firearm and Aiding and Abetting, in violation of 18 U.S.C. §§ 922(a)(6) and 2, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on December 8, 2000, to the custody of the Bureau of Prisons for a term of 110 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall submit a written weekly report to the probation office, if not regularly employed, of attempts to secure gainful employment.
2. The defendant shall support his or her dependants.

Anthony Shawn Battle was released from custody on January 23, 2009, at which time the term of supervised release commenced.

On August 20, 2009, in response to illegal drug use, the defendant's supervised release was modified to include the following conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall be confined to the custody of the Bureau of Prisons for a period of 2 days, as arranged by the U.S. Probation Office, and shall abide by all rules and regulations of the designated facility.
3. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days. The defendant shall begin the DROPS Program in the second use level.

On March 27, 2010, the court was notified the defendant was arrested for the offense of Assault on a Female in Johnston County, North Carolina. No action was taken pending disposition in state court, and the charge was dismissed on April 6, 2010.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR
CAUSE AS FOLLOWS:**

The defendant was referred to substance abuse treatment August 24, 2009. Since that time, the defendant has been unsuccessfully discharged from treatment twice as a result of his failure to comply with the attendance policies of the treating facility. The probation officer spoke to the defendant's counselor regarding her overall assessment of the defendant, and she explained that it was her opinion that the defendant was likely not addicted to drugs, but rather, the defendant leads a lifestyle that is indicative of poor choices.

On June 15, 2010, the probation officer witnessed the defendant driving a vehicle without a license as he left the probation office. Attempts to reach the defendant immediately following this observation were unsuccessful. When the probation officer was able to confront the defendant about the incident, the defendant admitted to driving without a valid license. Additionally, the defendant informed the probation officer that he was charged with Driving While License Revoked on June 16, 2010, in Johnston County, North Carolina.

While the defendant has demonstrated that he does, in fact, make poor choices, we are not recommending a return to court for revocation proceedings at this time. Instead, we are recommending the defendant continue to participate in the Surprise Urinalysis Program to monitor for illegal drug use, in addition to modifying the conditions of supervised release to include participation in a cognitive behavioral program to address his decision-making abilities. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate in a cognitive behavioral program as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

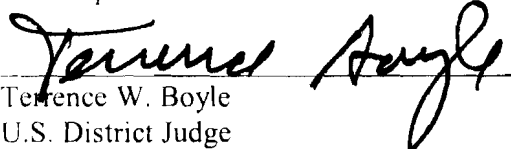
/s/ Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/ Scott Plaster
Scott Plaster
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: (919) 861-0227
Executed On: June 24, 2010

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ORDER OF COURT

Considered and ordered this 2 day of July, 2010, and ordered filed and made a part of the records in the above case.


Terrence W. Boyle
U.S. District Judge